

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission
From: Planning Division
Date: November 1, 2005
Re: **REZONING: 108 Melinda Drive and Wards Ferry Road**

I. PETITIONER

Compson Development, LC, 1320 Old Chain Bridge Road, Suite 400, McLean, VA 22101

Representatives: Mr. Brian Beaulieu, 1320 Old Chain Bridge Road, Suite 400, McLean, VA 22101

II. LOCATION

The subject property is a tract of approximately one and three tenths (1.3) acres located at 108 Melinda Drive & Wards Ferry Road.

Property Owners:

English Development Corporation, 1522 Main Street, Altavista, VA 24517

Covenant Presbyterian Church, 108 Melinda Drive, Lynchburg, VA 24502

III. PURPOSE

The purpose of the petition is to rezone approximately one and three tenths (1.3) acres at 108 Melinda Drive and Wards Ferry Road from R-4, Multi-Family Residential District & R-C, Conservation District to B-3, Community Business District (Conditional) to allow commercial access for a shopping center in Campbell County.

IV. SUMMARY

- Petition agrees with the Comprehensive Plan, which recommends a Regional Commercial use for the area.
- Petition is substantially different from rezoning petition denied by the City Council on February 22, 2005.
- Cooperation Agreement between the City of Lynchburg & County of Campbell adequately addresses traffic and service concerns.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends “Regional Commercial” and “Resource Conservation” uses for the subject property. “Regional Commercial” uses are defined as retail, restaurant, entertainment, and hotel uses that draw customers from the entire region. **(5.5)** “Resource Conservation” areas have special characteristics that make their preservation in open space particularly important to the City’s environmental health. These areas are intended to be kept as natural as possible so as to stabilize steep slopes, prevent soil erosion, provide for natural absorption areas for urban runoff, moderate climate and to provide wooded areas for wildlife. **(5.2-5.3)**

The subject property is also located in the vicinity of the intersections of Wards Road, and the US Route 460/US Route 29 interchange. This area is listed as a “major gateway” to the City. The City’s gateways serve as the communities’ front door, establishing first impressions and reinforcing images and perceptions of Lynchburg’s quality of life. The Comprehensive Plan states that “if a property in a gateway area is proposed for rezoning, the City will seek proffers that ensure high aesthetic quality of development and that set aside land for gateway features.” (4.1-4.3)

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-4, Multi-Family Residential District and R-C, Conservation District zoning was established in 1978 with the adoption of the current Zoning Ordinance.
3. **Proffers.** The petitioner voluntarily submitted the following proffers with the rezoning application:
 1. The site will be landscaped as follows:
 - a. Along the frontage of Wards Ferry Road between the intersection of Wards Ferry Road and Wards Road and the first entrance into the center, a 20-foot wide landscaped buffer shall be provided. The buffer shall be planted in a manner similar to that which now exists along Wards Road in front of Logan’s Roadhouse and O’Charley’s restaurants.
 - b. Street trees will be planted 40-feet on-center along the property frontage of Wards Ferry Road.
 - c. Landscaped islands shall be constructed in the parking lot so that no more than fifteen (15) parking spaces are located between islands.
 - d. If permitted by City floodplain regulations, landscaping similar to “1a” shall be provided on each side of the main entrance (across from Target).
 - e. A landscaped berm shall be established between the main entrance to the shopping center and the property of Covenant Presbyterian Church.
 4. No commercial entrance or other commercial access shall be established onto Melinda Drive. The developer shall grant an access easement over and across shopping center property to Covenant Presbyterian Church for access to and from Wards Ferry Road. Such easement shall be granted subject to any terms, conditions, covenants or restrictions that are required by retail tenants of regional shopping center and that are customarily required by retail tenants of regional shopping centers similar to the center proposed for this property. Such easement shall also be subject to the execution of a standard operation and maintenance agreement by the developer and Covenant Presbyterian Church.
 5. The developer shall install a new traffic signal on Wards Ferry Road at the proposed shopping center entrance and the existing Wards Crossing (Target) entrance.
 6. The developer agrees to construct a taper and turn lane on the southbound Wards Ferry Road approach into the proposed shopping center main entrance.
 7. The developer agrees to lengthen the left turn lane (storage & taper) on the northbound approach to the Wards Ferry and Wards Road intersection.

8. The developer agrees to construct dedicated left-turn lanes on Wards Ferry Road at the proposed main entrance into the shopping center. Said turn lanes will be constructed by modifying existing lane markings on Wards Ferry Road.
 9. All transportation improvements will be the responsibility of the developer and/or its assignees, except as provided herein.
 10. The developer will extend the screening wall between the shopping center and the residentially-zoned land along Melinda Drive into the City as necessary in order to block the view of the roofs of the shopping center buildings from Melinda Drive to the greatest extent practicable.
 11. All stormwater management systems shall be designed and built to address both the quantity and quality of water being discharged from the shopping center property to the standards now in effect in the City of Lynchburg. The developer shall not be required to treat or detain any off-site water draining onto the shopping center property.
 12. The developer acknowledges the existence of the Cooperation Agreement between the City of Lynchburg and the County of Campbell date the 12th day of October 2005.
 13. The Developer shall maintain a 50-foot buffer from the centerline on both sides of Rock Castle Creek that flows within the City Limits. No activities will be implemented that would induce primary impacts to Rock Castle Creek, from its bed extending to the top of the existing embankment. However, it is essential to balance the need for preservation of the buffer area with the need to provide security, safety and visibility for the patrons and merchants. To address these needs, the following criteria are permissible activities within the buffer area;
 - a. Clearing and grading to accommodate the proposed improvements as approved by the site plan submission and review process.
 - b. Planting of a dense hedgerow to prevent pedestrian's access to the creek bed.
 - c. Planting and mowing of grass. Planting of ornamental flower beds, trees and shrubs.
 - d. Construction of pervious trails.
 - e. Placement of benches and picnic tables.
 - f. Construction of footbridges.
 - g. Fencing shall be prohibited.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
5. **Previous Actions.** The following items in the immediate area have required City Council approval:
- On February 22, 2005, the City Council denied the rezoning petition of Compson Development LC, to rezone approximately 1.3 acres at 108 Melinda Drive and Wards Ferry Road from R-4, Medium High Density Residential to B-3, Community Business District (Conditional) to allow the construction of a commercial access.

- On August 10, 2004, the City Council approved the rezoning petition of Little Horse, LLC from I-2, Light Industrial District to B-5, General Business District (Conditional) at 109 Delta Street.
 - On August 10, 2004, the City Council approved the rezoning petition of Little Horse, LLC from I-2, Light Industrial District and B-5, General Business District (Conditional) to B-5, General Business District (Conditional) at 113, 121 & 125 Delta Street.
 - On October 12, 1999, the City Council approved the Conditional Use Permit petition of the Church of Jesus Christ of Latter Day Saints at 110 Melinda Drive to allow the construction of a forty-six (46) space parking area.
 - On January 26, 1999, the City Council approved the Conditional Use Permit petition of Faison/Trammel Crow on Wards Road to allow fill in the flood plain.
 - On January 26, 1999, the City Council approved the rezoning petition of Faison/Trammel Crow from R-3, Two-Family Residential District, R-4, Multi-Family Residential District, R-5, Multi-Family Residential District and B-5, General Business District to B-5, General Business District (Conditional) at the intersections of Wards Road, Wards Ferry Road and Atlanta Avenue.
 - On December 14, 1993, the City Council approved the rezoning petition of Charleston Trading Company, Inc., from I-2, Light Industrial District to B-5, General Business District (Conditional) at 4009-4013 Wards Road.
 - On December 8, 1992, the City Council approved the rezoning petition of George A. and Sue W. Cox from I-2, Light Industrial District to B-5, General Business District (Conditional) at 121 Delta Street.
 - On September 11, 1984, the City Council approved the Conditional Use Permit petition of Covenant Presbyterian Church at 108 Melinda Drive to allow additions to an existing church building.
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6. **Site Description.** The subject property is bound to the north (across Melinda Drive) by multi-family uses, to the east (across Wards Ferry Road) by a large retail use (Wards Crossing Shopping Center), to the south by vacant land (zoned B-5, General Business District and proposed for a parking area) and to the west by an institutional use (Covenant Presbyterian Church).
7. **Proposed Use of Property.** The purpose of the rezoning is to allow the construction of commercial access drives to serve a proposed shopping center in Campbell County. The remainder of the property could be used for future commercial development within the City Limits.
8. **Traffic and Parking.** The City's Traffic Engineer is concerned with the impact the proposed development will have on Wards Ferry Road. At the request of the City's Traffic Engineer a traffic study was completed and recommended the need for the following road improvements:
1. A new traffic signal on Wards Ferry Road at the proposed main entrance to the shopping center and the existing entrance to Target.
 2. Lengthening of the storage and taper of the left turn lane on the northbound approach to the Wards Road and Wards Ferry Road intersection.
 3. A dedicated left turn lane into the main entrance of the shopping center. These

improvements will be the responsibility of the developer and have been proffered as part of the rezoning petition.

Of particular concern to the Planning Division is the potential for the amount of “cut through” traffic on Wards Ferry Road, Melinda Drive and Alta Lane to increase due to the proposed development. The Planning Division recommends that a traffic study be conducted to determine what “traffic calming” techniques should be installed to preserve the neighborhood fabric as is consistent with the *Comprehensive Plan*. Neighborhoods and Housing, Objective 1F, Safety and Security states “Explore design (e.g., traffic calming) and enforcement strategies to ensure safe pedestrian and vehicular traffic.” (10.12) Transportation, Objective 1D, Neighborhood Traffic states “Ensure that traffic conditions do not degrade neighborhood quality.” (14.7) This concern has been addressed in the Cooperation Agreement between the City of Lynchburg and the County of Campbell. In this agreement the County has agreed to pay the City \$100,000 to construct traffic management improvements in these neighborhoods. (Section 5.1a of Agreement) The cooperation agreement also provides that Campbell County will obtain necessary right-of-way, design and construct an access road from the proposed development area to either Leesville Road or Airport Road. (Section 3.1 of Agreement)

9. **Stormwater Management.** A stormwater management plan will be required because disturbed areas will exceed 1,000 square feet. Because the property lies at the City/County boundary line, the City of Lynchburg and Campbell County are conducting a joint review of the project. Based upon population density, the City of Lynchburg is classified by the Environmental Protection Agency (EPA) as a “Phase II” community, which requires stormwater management plans to address both quantity and quality of water being discharged into receiving channels. Phase II communities are also required to map commercial discharge points exceeding thirty-six (36) inches in diameter. Campbell County is not classified as a Phase II community by the EPA and is only required to account for the quantity of stormwater discharged into receiving channels.

The subject property lies at the “headwaters” of Tomahawk Creek and stormwater discharged from the proposed project will ultimately be discharged into a stream flowing through the City limits. Because of the sensitive environmental issues associated with the project, the Campbell County Board of Supervisors placed a condition of approval on the project that “The stormwater management system shall be designed and built to address both the quantity and quality of water discharged from the site. Water quality standards shall be those in effect in the City of Lynchburg as of this date (9/27/04) regardless of where the stormwater management system is located.” The petitioner has also proffered in Campbell County that “The stormwater management system shall be designed and built to address both the quantity and quality of water being discharged from the site.”

The City/County Cooperation Agreement also states that when City and County Erosion and Sediment Control/Stormwater Management requirements conflict, the County will incorporate the City’s requirements for the proposed development. (Section 10.1 of Agreement)

10. **Impact.** The petition proposes to rezone the property from R-4, Multi-Family Residential and R-C Conservation District to B-3, Community Business District (Conditional) to allow for commercial access to serve a proposed shopping center in Campbell County.

The Future Land Use Map recommends a “Regional Commercial” use for the subject property and thus the proposed rezoning is in compliance with the *Comprehensive Plan*. The major impacts associated with the proposed development will be traffic, landscaping and stormwater. Traffic

impacts along the frontage of the property have been addressed by voluntary proffers submitted by the petitioner. Stormwater management issues have been addressed by voluntary proffers submitted by the petitioner in Campbell County and conditions of approval placed on the development by the Campbell County Board of Supervisors. There are standing regulations in the City of Lynchburg to adequately address stormwater management issues. Landscaping concerns have been addressed by the petitioner in the voluntarily submitted proffers.

Sec. 35.1-43.1. Conditional zone or zone approval, (h) states "After City Council has taken official action either granting, denying, or permitting withdrawal of a petition for any change in zoning or any change of zoning conditions, no other petitions for substantially the same change(s) shall again be considered in less than twelve (12) months from the date of such official action". The City Attorney has opined that since a Cooperation Agreement between the City of Lynchburg and the County of Campbell that addresses traffic and service impacts has been signed, there has been a significant enough change to warrant reconsideration of the rezoning petition.

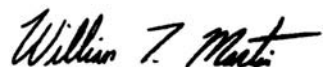
11. **Police & Fire.** The construction of the shopping center will place additional demands for service on the City's Police and Fire Departments. The City's Chief of Police, Chuck Bennett has stated that the construction of the shopping center will increase traffic congestion in the area but the design of the proposed entrances and road improvements will help to alleviate these concerns. The City/County Cooperation agreement will also help offset demands for service by the payment of an annual service fee from the County to the City. The estimated service fee will be \$118,000 annually for forty (40) years. **(Section 4.2 & 11 of Agreement)**
12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on September 21, 2004. Comments have or will be addressed by the petitioner prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDED MOTION(s)

That the Planning Commission waives the twenty-one (21) day submittal requirements for proffers.

Based on the preceding Findings of Fact, the Planning Commission recommends approval of the rezoning of one and three tenths (1.3) acres at 108 Melinda Drive and Wards Road from R-4, Multi-Family Residential District and R-C, Conservation District to B-3, Community Business District (Conditional) with the voluntarily submitted proffers.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager

Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. R. Douglas Dejarnette, Fire Marshal
Mr. J. Lee Newland, Director of Engineering
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau
Capt. Todd Swisher, Lynchburg Police Department North Division
Capt. H. W. Duff, Jr. Lynchburg Police Department East Division
Capt. Al Thomas, Lynchburg Police Department South Division
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Ms. Annette Chenault, Planner II
Ms. Nicole Gilkeson, Community Development Planner
Mr. Brian Beaulieu, Representative

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
(see attached map)
- 2. Vicinity Proposed Land Use**
(see attached map)
- 3. Site Plan**
(see attached site plan)
- 4. Cooperation Agreement**
(see attached agreement)